



CITY OF HAYWARD

AGENDA REPORT

AGENDA DATE 10/19/99

AGENDA ITEM 2

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Tentative Map Tract 7047, Site Plan Review Application No. 99-130-11 and Variance Application No. 99-180-08 - Tennyson Homes L.P./Paul Wong (Applicant/Owner) - Request to Subdivide a 1.13± Acre Parcel into 6 Lots; Approval of Site and Architectural Plans; and, a Variance to the Required Lot Depth - The Property is Located at 259 Tennyson Road within an RS (Single-Family Residential) District

RECOMMENDATION:

The Planning Commission and staff recommend that the City Council find that the project is exempt from CEQA, approve Tentative Tract Map 7047, and approve the site plan review and variance applications.

BACKGROUND:

DISCUSSION:

The property is a vacant parcel in the Warren-Curtis neighborhood previously occupied by a single-family dwelling and a cactus nursery. It is surrounded by one-story single-family residences on lots that are mostly 5,000 square feet in area in the RS (Single-Family Residential) District.

The proposal is to construct six two-story single-family detached dwellings on two 5,000± and four 6,000±-square-foot lots. The lots meet all the requirements of the RS District except for the depth of Lots 3 and 4 (see variance discussion below).

At the Planning Commission hearing of September 2, 1999, two residents on Beatron Way opposed the project because they believe it will block their view of the hills, and increase traffic, noise, and pollution. In addition, they objected to the private street design. They also wanted smaller homes to encourage smaller families, to mitigate the loss of privacy and sunlight, and to conform to surrounding single-story development. One neighboring property owner spoke in favor of the project.

Subsequent to the Commission hearing, one of the neighbors appealed the Commission's recommendation citing the same issues raised at the hearing. Although it was labeled an appeal, the letter in opposition (attached) is not considered an appeal because the Commission's recommendation was not a final decision. Another property owner on Beatron Way wrote a letter in favor of the project.

The Planning Commission and staff find that the project is in conformance with City ordinances and regulations, and addresses to the extent feasible, the concerns of the opposed neighbors. To minimize the loss of privacy to neighbors, the site plan provides for 20-foot-deep or greater rear yards and upper floor windows that are carefully placed to further mitigate the impact of second floors. In addition, the project is conditioned upon planting evergreen trees along the property lines where needed to ensure privacy between the new and existing residences, and installation of a soundwall along the property line where the private street abuts neighboring properties. At the Commission hearing, the applicant explained that there will be 18-foot-wide view corridors between the proposed homes and that any future housing development, be it a one or two-story development, will have some impact on views.

The project was unanimously approved by the Planning Commission.

Project Design

Access to the project is provided via a 24-foot-wide private street with additional width for six on-street parking spaces, including a fire truck turnaround at the terminus of the street. The entry to the development will be accented with decorative paving and raised planters. All on-site utilities will be owned and maintained by the homeowners association.

The homes are designed in a contemporary Craftsman-like architectural style with a stucco finish and concrete tile roofs. Each unit has approximately 1,732 square feet of living space, including 4 bedrooms, 2 ½ bathrooms, and a two-car garage.

A terraced 6-foot-high decorative concrete block wall that is setback between 10 and 17 feet from Tennyson Road will provide sound attenuation from traffic on the arterial, and the homes will have additional sound mitigation measures as recommended by the project acoustical study. A private fenced rear yard and paved patio will be provided for each home. Planting areas throughout the project, except for private yards, will be landscaped and maintained by a homeowners' association. Additional tree planting will be required along the sound walls along both east and west property lines. Two of the three existing trees located on the property will be retained.

Request for Variance

The applicant has requested a variance to the required lot depth for two lots having a minimum lot depth between 67.5 to 72.3 feet where a minimum 80-foot depth is required. The property street frontage along Tennyson Road is approximately 152 feet tapering to a width of 46.29 feet at the rear of the lot. The shape of the property and the proposed street layout result in the creation of two lots, 3 and 4, that have less than the required lot depth. Given the wedge shape of the property and the fact that the lots are consistent with the minimum lot size and front and rear yard requirements, the variance may be supported. Houses on these lots will have rear-yard setbacks of 20 and 25 feet respectively.

Conclusion

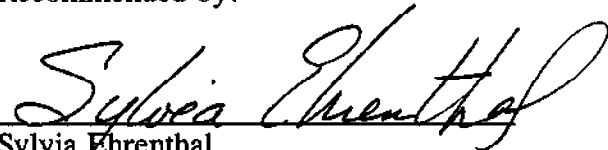
The project is consistent with goals, policies and requirements of the General Policies Plan, the Zoning Ordinance, and the Tennyson-Alquire Neighborhood Plan. Approval of the tentative map, site plan and variances will allow construction of a project that fulfills the City's goals to create ownership housing opportunities.

Prepared by:



Sheldon McClellan
Senior Planner

Recommended by:



Sylvia Ehrental
Director of Community and Economic Development

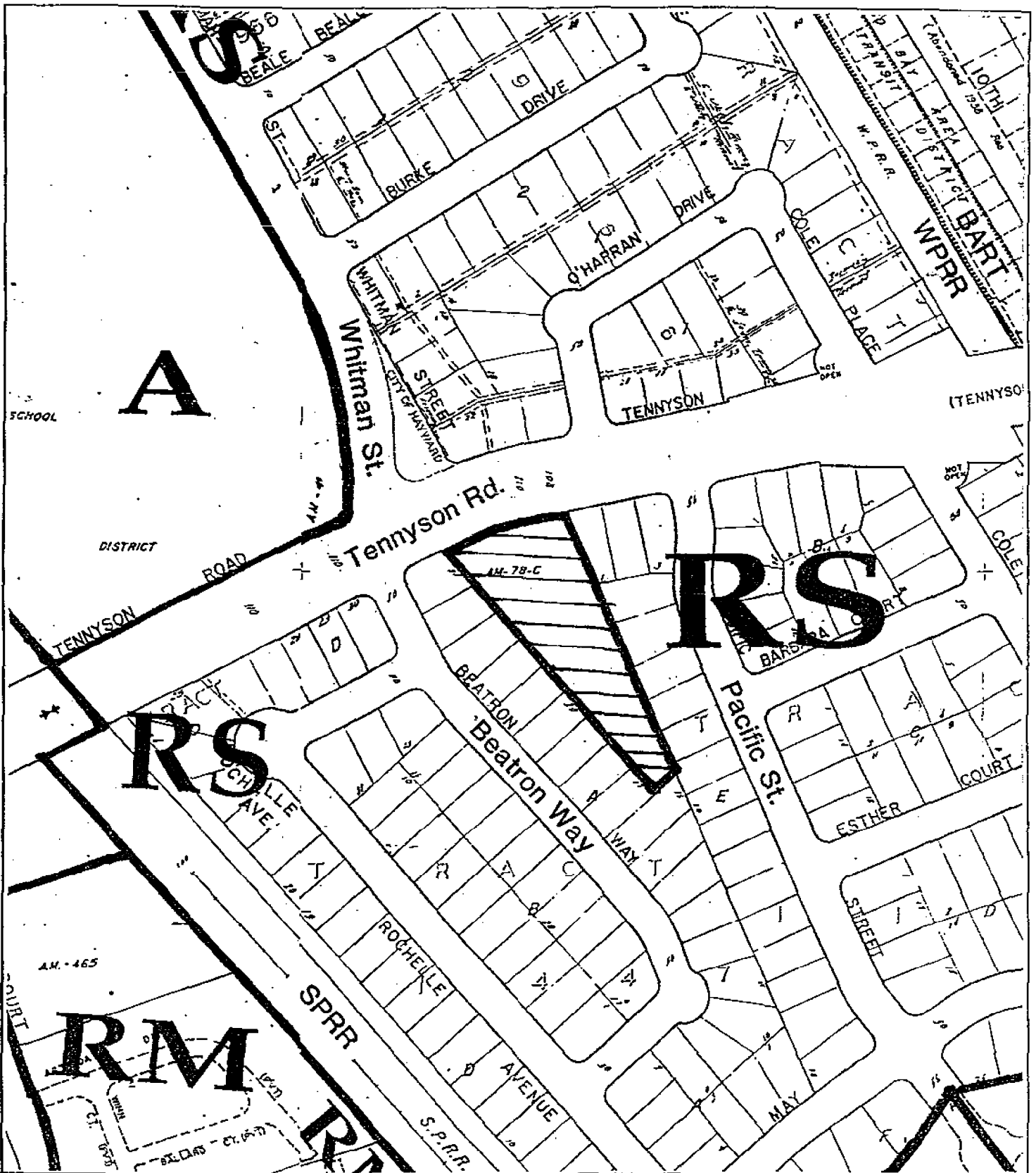
Approved by:



Jesús Armas, City Manager

Attachments: Exhibit A - Zoning/Area Map
Exhibit B - Findings for Approval - Tentative Map Tract 7047
Exhibit C - Findings for Approval - Site Plan Review & Variance
Exhibit D - Conditions of Approval - Tentative Map Tract 7047
Exhibit E - Conditions of Approval - Site Plan Review & Variance
Exhibit F - Planning Commission Minutes and Staff Report, dated 9/02/99
Exhibit G - Letters in Opposition and Support of the Project
Tentative Map Tract 7047
Site, Building and Landscape Plan

10.12.99



ZONING/AREA MAP ■ PD 99-120-02

Paul Wong (Appl.)

Tennyson Homes, L.P. (Owner)

259 Tennyson Road

**FINDINGS FOR APPROVAL
TENTATIVE MAP TRACT 7047
for 6 Single-Family Dwellings
259 Tennyson Road**

- A. The approval of Tentative Map Tract 7047, as conditioned, will have no significant impact on the environment, cumulative or otherwise, and the project is exempt from CEQA review and is found to be in compliance with the provisions of the California Environmental Quality Act (CEQA). The project is categorically exempt under Section 15332 (In-Fill Development Projects), Class 32.
- B. The tentative tract map and the proposed site plan substantially conform to the State Subdivision Map Act, the City's Subdivision Regulations, the General Policies Plan, and the Tennyson-Alquire Neighborhood Plan.
- C. The site is physically suitable for the proposed type of development.
- D. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- E. The design of the subdivision and the proposed improvements are not likely to cause serious health problems.
- F. The design of the subdivision and the proposed improvements are in conformance with the conditions of approval and will not conflict with easements for access through, or use of, property within the subdivision.
- G. Existing and proposed streets and utilities are adequate to serve the project.
- H. None of the findings set forth in Section 64474 of the Subdivision Map Act have been made, and the approval of the tentative tract map is granted subject to the recommended conditions of approval.

FINDINGS FOR APPROVAL
Site Plan Review 99-130-11 & Variance. 99-180-08

Paul Wong/Tennyson Homes L.P. (Applicant/Owner)

259 Tennyson Road

Request to subdivide a 1.13+ acre parcel into 6 lots; approval of site and architectural plans; and a variance for the lot depth for two lots having a minimum lot depth between 67.5 to 72.3 feet where a minimum 80-foot-depth is required. The property is located at 259 Tennyson Road, southerly side, between Beatron Way to the west and Pacific Street to the east in an RS (Single-Family Residential) District.

- A. That approval of Site Plan Review No. 99-130-11 as conditioned will have no significant impact on the environment, cumulative or otherwise, and the project is exempt from CEQA review and is found to be in compliance with the provisions of the California Environmental Quality Act (CEQA). The project is categorically exempt under Section 15332 (In-Fill Development Projects), Class 32.
- B. That the development is compatible with the surrounding single-family homes and that the proposed development complies with the intent of City development policies and regulations as to building setbacks, driveway location, provision of parking on the property, provision of landscaping, etc.
- C. That the proposed six dwelling units take into consideration environmental constraints in that site drainage will be taken from the property through an adjacent property to the storm sewer in Beatron Way.
- D. That the proposed project complies with the intent of City development policies and regulations, specifically the General Plan, the Tennyson-Alquire Neighborhood Plan, and the Design Review Guidelines.
- E. That the development will be operated in a manner determined to be acceptable and compatible with surrounding development in that a masonry wall will serve to lessen the noise from vehicles using the private street that terminates at the westerly property line and that the homes are located adequately from adjacent dwellings to provide privacy so as not to impose on occupants of neighboring properties.

- F. That the variance request to allow for the lot depth for two lots having a minimum lot depth between 67.5 to 72.3 feet where a minimum 80-foot-depth is required is justified due to the irregular shape of the property and since the applicant has maintained the intent of the ordinance of providing the minimum lot size and front and rear yards.
- G. That strict application of the Zoning Ordinance would deprive the property of privileges enjoyed by other properties in the vicinity under the RS District since similar variances were approved by the City for two lots of the Greystone subdivision on Orchard Avenue.
- H. That the variance request does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone since a similar variance to allow a reduction of the lot depth was approved for Greystone Homes on Orchard Avenue due to development restraints of an irregular-shaped property.

CONDITIONS OF APPROVAL TENTATIVE TRACT MAP 7047

These conditions apply to the approval of Tentative Map Tract 7047, subdividing 1.13 acres into 6 residential lots in the RS Zone. The property is located at 259 Tennyson Road.

Unless otherwise stated, all necessary easements and street rights-of-way shall be dedicated, and all improvements shall be designed and installed at no cost to the City of Hayward.

All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code - Chapter 10, Article 3, and Standard Specifications and Details - unless otherwise indicated hereinafter.

PRIOR TO THE RECORDATION OF THE FINAL MAP

Dedications and Easements

1. The final map shall dedicate to the City of Hayward a 6-foot-wide public utility easement, parallel to and abutting the public right-of-way and the private street.
2. Relinquish to the City of Hayward all abutters' right of ingress and egress along Tennyson Road, except at the proposed private street entry.
3. Prior to the approval of the final map, all documents that need to be recorded with the final map shall have been approved by the City Engineer, and any unpaid invoices or other outstanding charges accrued to the City for the processing of the subdivision application shall be paid.

Subdivision Agreement

4. The developer shall enter into a subdivision agreement with the City of Hayward and post security for the construction of public improvements per Section 10-3.332, *Security for Installation of Improvements*, of the Municipal Code.
5. The developer shall provide liability insurance per Section 7-2.41, *Responsibility for Accidents, Liability Insurance*, of the Municipal Code.

Conditions, Covenants, and Restrictions

6. Prior to approval of the final map, Conditions, Covenants and Restrictions (CC&R) shall be prepared for review and approval by the Planning Director and City Attorney. The CC&Rs shall include the following:

- a. A requirement that property owners properly maintain the private yard landscaping and trees that are not the responsibility of the homeowners' association.
 - b. A restriction against the storage/parking or placement of recreational vehicles, trailers or trailer-hauled boats within front yards or on driveway aprons of all properties.
 - c. A requirement that the garage of each unit be maintained for off-street parking and shall not be converted to living area;
 - d. A requirement that individual garbage can(s) and recycling containers be stored within the garage or fenced in side yard area of each dwelling unit except upon pick-up day;
 - e. Mechanical equipment, such as air conditioners and heating unit, shall be prohibited on roof-tops;
 - f. A requirement that a homeowners' association architectural review committee be established to review and approve all exterior improvements or changes to individual homes to ensure consistency with the CC&Rs;
 - g. A requirement that a professional management company be responsible for managing the homeowners' association;
 - h. A requirement that the homeowners' association shall also be responsible for ensuring that green waste from the common areas and open space areas will be recycled or composted;
 - i. A requirement that property owners properly maintain the front yard landscaping and replace any dead or dying plant material.
7. The CC&Rs shall establish a homeowners' association or some alternate mechanism acceptable to the City to maintain the following:
- Landscaping and irrigation systems within common areas;
 - The private street;
 - Subdivision walls to be maintained in good repair and free of graffiti; and
 - Street trees along Tennyson Road.
- Street trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species specified by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.

Each home owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses. The association shall be required to maintain a reserve fund to cover the costs of replacement and repair. The City shall have the ability to place liens on all properties within the subdivision if the homeowners' association fails to fulfill its maintenance obligations.

Street Improvements

8. The private street shall have a minimum 24-foot curb-to-curb width with on street parking and sidewalks as depicted by the tentative map exhibit and as approved by the City Engineer.
9. The private street entrance shall be designed consistent with City of Hayward Standard Detail SD 110A. Decorative paving shall be installed to a minimum distance of 34 feet behind the valley gutter at the street entrance. Utilities underneath the decorative paving shall be encased in steel sleeves, as approved by the City Engineer.
10. The curb returns at the private street intersection with Tennyson Road shall have a curb face radii of 30 feet. The minimum thickness of AC paving shall be 3".
11. All curbs fronting travel ways where parking is not located, shall be painted red and signed for towing of illegally parked vehicles to ensure adequate fire truck access.
12. Reconstruct the site's frontage improvements along Tennyson Road, and install standard curb, gutter, and sidewalk. All tie-in paving along Tennyson Road shall be in conformance with City Standard Detail SD-113.

Utilities

13. Underground all new on-site utility lines, services, and transformers and all existing above ground utilities along the frontage of the site on Tennyson Road. Install new electroliers per City Standard Detail SD-120 along Tennyson Road to replace the existing luminaire mounted on the joint pole to be underground.
14. All surface-mounted utility hardware (fire hydrants, electroliers, etc.) along the proposed streets shall be located outside of the sidewalk within the 6-foot-wide Public Utility Easement.
15. Each dwelling unit shall be individually metered for water and have a separate sewer lateral connection to the private building court main. The construction plans shall indicate the location of the sewer laterals and water services (including meter locations).
16. On-site sanitary sewer, water and storm drain facilities shall be privately owned and maintained by the homeowners association.
17. Water meters shall be banked along Tennyson Road as approved by the City Engineer.
18. The type and spacing of fire hydrants shall be as approved by the City of Hayward Fire Chief.
19. A reduced pressure backflow preventer shall be installed behind water meters per City of Hayward Standard Detail 202;
20. Provide keys/access codes to the Hayward Utilities Division for all meters enclosed by a fence or gate per Hayward Municipal Code Section 11-2.07.
21. The project plans shall include storm water measures for the operation and maintenance of the project for the review and approval of the City Engineer. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff. Construction site cleanup and control of construction debris shall also be addressed in this program.

22. The developer is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations, or a project stop order.
23. The project plan measures shall include erosion control measures to prevent soil, dirt and debris from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.
24. All on-site storm drain inlets must be labeled "No Dumping - Drains to Bay" using City approved methods.
25. The drainage system design shall use the Hydrology and Hydraulics Criteria Summary, Alameda County Flood Control and Water Conservation District, latest edition, to determine storm drainage runoff. The drainage system shall be designed to accommodate the run-off associated with a 10-year-storm.

Walls

26. All proposed retaining walls shall be decorative reinforced concrete.

PRIOR TO GRADING

27. A grading permit shall be required for any on-site grading if the grading is to be done independent of the subdivision's improvement plans.
28. All existing trees on site shall be shown on the grading plan with notes indicating if they are to be removed or preserved.
29. The grading plans shall comply with the geotechnical engineering recommendations contained in the project's *Geotechnical Study*, prepared by *Geotecnia*, dated April 1, 1999.
30. The grading plan, with supporting calculations, and a review checklist shall be submitted to the City Engineer for review and approval. The proposed curb elevations are not to be less than 1.25 feet above hydraulic grade line, as shown in Figure 14 of the Hydraulic Criteria Summary, and at no point shall curb grade be below the energy grade line.
31. Grading, erosion and sedimentation control plans, which include adequate provisions for silt and erosion control in both construction and post construction phases of development, shall be submitted for review and approval by the City Engineer.
32. Trees shall be preserved in accordance with the *Tree Preservation Ordinance*. Prior to the commencement of clearing and grading operations, all trees to be preserved or removed shall be indicated on the site and landscape plans, and noted with tree protection measures in compliance with City codes. A tree removal permit is required prior to the removal of any tree. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect.

PRIOR TO CONSTRUCTION WITH COMBUSTIBLE MATERIALS

33. Required water system improvements shall be completed and operational prior to the start of combustible construction;
34. Emergency vehicle access shall be maintained via a minimum 20-foot-wide all-weather access road with unobstructed vertical clearance of at least thirteen feet, six inches (13' 6"), and shall be engineered for a 50,000 pound gross vehicle weight.

DURING CONSTRUCTION

35. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the City Engineer:
 - a. Grading and construction activities shall be limited to the hours 7:00 AM to 6:00 PM on weekdays; there shall be no grading or construction activities on the weekend or national holidays;
 - b. Grading and construction equipment shall be properly muffled;
 - c. Unnecessary idling of grading and construction equipment is prohibited;
 - d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
 - e. Designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise;
 - f. Daily clean up of trash and debris shall occur on Tennyson Road;
 - g. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;
 - h. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
 - i. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
 - j. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
 - k. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.);

- l. Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;
 - m. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;
 - n. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;
 - o. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;
 - p. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill;
 - q. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See "*Building Maintenance/Remodeling*" flyer for more information; and
 - r. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains.
34. The developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.
35. A representative of the soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe grading operations with recommended corrective measures given to the contractor and the City Engineer.
36. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the soils engineer to daily submit all testing and sampling and reports to the City Engineer.

PRIOR TO CONNECTION OF UTILITIES AND ISSUANCE OF CERTIFICATES OF OCCUPANCY

37. The following fees shall apply: The amount of the fee shall be in accordance with the fee schedule in effect at the time of issuance of the building permits.
 - a. Water Facilities Fee and Sewer Connection Fee for each dwelling unit at the rate in effect when the utility service permit for the dwelling unit is issued;
 - b. Building Construction and Improvement Tax;
 - c. Supplemental Building Construction and Improvement Tax;
 - d. School Tax; and
 - e. Park Dedication in-lieu fees for each unit.
38. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans prior to the issuance of a certificate of occupancy.
39. The street light electroliers shall be in operating condition as approved by the City Engineer.
40. All tract improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
41. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of 80% of the dwelling units, whichever first occurs. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to acceptance of tract improvements.

PRIOR TO CITY APPROVAL OF THE TRACT IMPROVEMENTS AS BEING COMPLETED

42. An AC overlay along Tennyson Road frontage may be required by the City Engineer to repair any pavement damage caused by construction traffic.
43. Submit "as built" plan showing all underground facilities and site improvements.
44. Prior to the City setting the water meters, the subdivider shall provide the Water Department with certified costs covering the installation of the public water mains and appurtenances.

CONDITIONS OF APPROVAL
Site Plan Review 99-130-11 & Variance. 99-180-08

Paul Wong/Tennyson Homes L.P. (Applicant/Owner)

259 Tennyson Road

1. The proposed Site Plan Review Application No. 99-130-11 & Variance Application No. 99-180-08, request to subdivide a 1.13±-acre parcel to construct 6 detached residential dwellings and for approval for the design of the single-family structures and a variance for the lot depth for two lots having a minimum lot depth between 67.5 to 72.3 feet where a minimum 80-foot-depth is required. The proposed residences shall be constructed according to the plans approved by the Planning Commission on September 2, 1999, stamped Exhibit "A" and titled Residential Subdivision, prepared by Bill Poon & Company, Architects, Berkeley, California. This approval is void two years after the effective date of approval unless a building permit application has been submitted and accepted for processing by the Building Official. Any modification to the approved plans shall require review and approval by the Director of Community and Economic Development/Planning Director.
2. Prior to issuance of a Certificate of Occupancy of the structures, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Director of Community and Economic Development/Planning Director.
3. This development shall not be constructed unless the City approves Tentative Tract Map 7047. The Conditions of Approval for Tract 6993 shall apply also to this site plan review application.
4. All improvements shown on Exhibit "A" shall be completed prior to occupancy, unless exempted by the conditions below.
5. All recommendations contained in the *environmental noise evaluation*, prepared by Thorburn Associates, September 4, 1998, shall be incorporated into the project. A 6-foot-high decorative masonry wall shall be constructed along Tennyson Road to mitigate the impact of traffic noise from Tennyson Road. The wall location shall comply with the noise study. The design of the wall shall be decorative and shall be approved by the Planning Director.
6. Prior to the issuance of the first building permit, detailed landscaping and irrigation plans for the site shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Planting and irrigation shall comply with the City's *Water Efficient Landscape Ordinance*.

- a. One 24" box street tree is required for every 20 lineal feet of frontage. Trees shall be planted to fill vacancies in the street tree pattern, and to replace any declining or dead trees. Trees shall be planted according to the City Standard Detail SD-122.
- b. The landscape buffer along Tennyson Road shall be planted with trees, shrubs and groundcover.
- c. Vines shall be planted 5' apart on the interior of all walls facing common areas within the development.
- d. Evergreen trees shall be planted along the inside of the walls along the north and south property lines, opposite each house. Trees shall be 15-gallon minimum size at a spacing appropriate for the species.
- e. Landscaped areas adjoining drives and/or parking areas shall be separated by a 6" high class "B" Portland Cement concrete curb.
- f. All above ground utilities and mechanical equipment shall be screened with shrubs.
- g. Front yard landscaping shall be provided for each unit prior to the issuance of a Certificate of Occupancy.
- h. Trees shall be preserved in accordance with the *Tree Preservation Ordinance*. Prior to the commencement of clearing and grading operations, all trees to be preserved or removed shall be indicated on the site and landscape plans, and noted with tree protection measures in compliance with City codes. A tree removal permit is required prior to the removal of any tree. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect.
- i. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of 80% of the dwelling units, whichever first occurs. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to acceptance of tract improvements.
- j. Park Dedication In-Lieu Fees are required for each new dwelling unit. Fees shall be those in effect at the time of issuance of the building permit.
- k. Landscaping shall be maintained in a healthy, weed-free condition at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.

7. Mail boxes for all units shall be located next to the public street.
8. Private street light fixtures shall be of a decorative style approved by the Community and Economic Development/Planning Director.
9. The project shall comply with the requirements of the Hayward Security Ordinance, dated October 16, 1990.
10. Utility meters shall be screened by either plant materials or a decorative screen, allowing sufficient distance for reading access or maintenance.
11. A 6-foot-high decorative wood fence shall be provided along interior property lines except where a soundwall is required. Similar fencing shall also be placed between the buildings and the side property lines to create private yard areas behind each dwelling. The outside fence of each yard shall be gated for access and security.
12. A decorative 6-foot-high masonry or pre-cast concrete sound wall shall be installed along the full length of the easterly property line and along a portion of the westerly property line, opposite the terminus of the private as indicated on Exhibit A.
13. Garages shall be maintained free and clear for parking purposes so as to provide parking dimensions to meet City standards.
14. An automatic garage door opening mechanism shall be installed in each garage and shall be maintained in working order.
15. Single-family dwellings located on corner lots shall have design enhancement on the side elevations facing the side streets. Materials and design elements shall correspond with those used on the front elevations of the models and shall include bay windows, pop-outs or equal treatment to provide an interesting facade.
16. Roofing material on the buildings shall be a concrete tile ("slate" profile) which incorporates a variegated or flashed color terra cotta color.
17. A tall planting screen shall be placed along the easterly edge of the lots where the window treatment is a problem and cannot be resolved otherwise.
18. Construction noise from the development of this site shall adhere to standard restrictions on hours and days of operation as specified in the City of Hayward Municipal Code, Article 1, Section 4.103(2).
19. The homeowners association shall maintain in good repair all fencing and walls, common landscaping, street lighting, drainage improvements, etc. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within seven days of occurrence.

20. Mechanical equipment shall be prohibited on the roof unless screening and installation are provided as approved by the Director of Community and Economic Development/Planning Director.
21. The Applicant shall to submit for city review an on-site recycling plan, which will be implemented during the entire construction phase. The plan shall show the anticipated start and completion dates. The Applicant shall ensure that construction debris is removed from the site by a licensed contractor as an incidental part of a total construction service offered by that contractor, rather than as a separately contracted or subcontracted hauling service using debris boxes, or is directly loaded onto a fixed body vehicle and hauled directly to a disposal facility that holds all applicable permits.
22. The Applicant shall contact the City's franchised hauler, Waste Management of Alameda County, at 537-5500 to arrange for delivery of containers with sufficient capacity to store construction and demolition materials to be landfilled.
23. The site shall be developed in compliance with the following Fire Department requirements:

ACCESS

- a. Private street is shown as 24 feet in width. There shall be no parking on either stalls side of the road except where the street has been widened to provide for six parking stalls.
- b. The private street shall be posted as a fire lane by using approved signage and red curbing.
- c. Fire department turnaround is shown and is acceptable per fire department standards. No parking of vehicles will be allowed in the turnaround area. Signs shall be posted.

WATER SUPPLY

- d. A (N) fire hydrant is shown approximately 200 feet from the entrance to the (N) private street. The type of fire hydrant shall be double steamer capable of flowing 1500 GPM @ 20 PSI for a two hour duration. Fire hydrant installation shall meet City of Hayward standards.
- e. Must provide a blue reflector on the pavement adjacent to the fire hydrant location.

BUILDING CONSTRUCTION REQUIREMENTS

- f. All (N) homes shall be submitted to the building department. Fire review will take place and additional requirements may be imposed.

- g. The fire hydrant on-site shall be a double steamer with two 4 ½" outlets and one 2 ½" outlet. Red curbing shall be provided on both sides of the fire hydrant. Parking shall be prohibited adjacent to the red curb.
 - h. Roof materials for all structures shall be minimum class C.
 - i. All chimneys shall be equipped with approved spark arresters.
 - j. All buildings shall display an address visible from the private street. The address shall be a minimum 6" height or a minimum 4" height if self-illuminated.
24. Violation of conditions is cause for fines or revocation of permit after public hearing before the duly authorized review body.

her concerns are being met. She said the City is facing a trade-off but it will take a lot of work to make the housing work. She has faith that the engineers will know what they are doing. She then expressed concern regarding the wetlands delineation from the Army Corps of Engineers.

Commissioner Bogue said the project is consistent with the General Plan and the EIR, although he questioned the emergency access road.

Assistant Director of Public Works Bauman indicated that, for now, it would be kept closed and only for emergencies.

Commissioner Caveglia again expressed dismay at the 2 million cubic yards of land fill for the project and the traffic impacts on the community. He then stated that this is not a low-cost housing project. He added that he would vote against it.

Commissioner Bennett said she could not support the project until the U.S. Army Corps develops its reports. She added that she is also uncomfortable with just the 36 months before the water buffer is turned over to the City.

Chairperson Fish said he would support the project.

The motion carried by the following vote:

AYES:	COMMISSIONERS Bogue, Williams, Zermeño
	CHAIRPERSON Fish
NOES:	COMMISSIONERS Bennett, Caveglia
ABSENT:	None
ABSTAIN:	None

Chairperson Fish called for a 10-minute recess. The meeting resumed at 9:57 p.m.

2. Zone Change 99-190-01 – Society of Saint Vincent de Paul (Applicant/Owner):

Request to change zoning from Central City-Commercial Subdistrict/Cottage Special Design Overlay District (CC-C/SD-3) to Planned Development District/Cottage Special Design Overlay District (PD/SD-3) to construct ten residential cottages and extend Grace Court (private street) to Melvin Court. *Property is generally located on Grace Court between Grace Street and Smalley Avenue and at 22331 Mission Boulevard.*

CONTINUED UNTIL SEPTEMBER 23, 1999

3. Tentative Map Tract 7047, Site Plan Review No. 99-130-11 / Variance Application No. 99-180-08 – Tennyson Homes L.P./Paul Wong (Applicant/(Owner) – Request to subdivide a 1.13± acre parcel into 6 lots; approval of site and architectural plans; and a variance to the required lot depth. *The property is located at 259 Tennyson Road within an RS (Single-Family Residential) District.*

Senior Planner McClellan described the project and the area in which it is located. He indicated that the project is consistent with the goals, policies and requirements of the General Policies Plan, the Zoning Ordinance, and the Tennyson-Alquire Neighborhood Plan. He indicated that six lots would be created with 2-story homes. He added that some of the



neighbors are opposing the project because will interfere with their view of the hills, their light, and privacy. He indicated that the developer had considered these issues and set the houses at a further distance from each other to create a view corridor from the side. He then responded to Commissioner's questions.

Public Hearing Opened at 10:07

Deborah Sanchez, 28260 Beatron Way, a neighbor to the project, said the new street would create hazardous conditions. She added that the homes are an oddity in that they do not look like those already in the neighborhood. They will also block the view of the hills because of the trees.

Demetria Marrow, 28214 Beatron Way, also said the project would block their view of the hills. The 2-stories will make the neighbors feel claustrophobic. She said she would prefer a dog park on that property instead. Overcrowding and noise are already a problem in the area and this will only aggravate it further. Six houses will not make that much difference to City revenues.

Al Malfatti, 30114 Treeview, said he owns property in the area and appreciates the project, which is much better than what is on the site right now.

Bill Poon, 1250 Addison Street, Suite 210, Berkeley, architect, said it is a difficult wedge-shaped site. He said this project should help bolster the value of homes in the neighborhood. They meet all the requirements and are well beyond the minimum. There is a 30-foot height limit in the area and these houses are only 26 feet. Even a 1-story house would block the view of the hills for someone. They did space the houses farther apart so there will be some view corridors. He said that on Beatron Way, only the early morning sunlight would be affected. He added that they designed the houses specifically to minimize privacy concerns. He said they would work with staff and neighbors to minimize view problems. In response to Commissioner Caveglia's question regarding the price of the houses, he said they will be priced in the low \$300,000's. The price of homes presently located in the area are between \$220,000 and \$260,000. He indicated that this property had been a cactus farm and then vacant for 15 years.

Jerry Gonzalez, 26102 Eden Landing, engineer for the project, explained that the sight distance on Tennyson Road conforms to City standards. The entrances are more than adequate for the entering and exiting of property.

Public Hearing was closed 10:30 p.m.

Commissioner Williams asked for further information regarding the variance, and was told that it only applied to the depth of the lot.

Commissioner Bennett asked for a legal opinion on the concept of invasion of space above a lot, and view corridors.

Assistant City Attorney Borger responded that there is no entitlement to a view with the

purchase of a home. There is no restriction on second-stories. The neighbors are also entitled to add a second story to their homes.

Commissioner William's moved, seconded by Commissioner Bogue to approve the staff recommendation.

Chairperson Fish complemented the architect on his plans for the parcel.

The motion passed unanimously.

Chairperson Fish stated that anyone aggrieved by this decision could appeal to the City Clerk's office within 10 days.

4. Use Permit Application No. 99-160-19 - David West For Westside Creations (Applicant) / Douglas Lee (Owner) - Request to operate a 5,237-square-foot dance studio as a commercial amusement facility in the Central City-Plaza and Central City-Commercial Zoning Sub-districts. *The property is located at 943 "B" Street between Mission Boulevard and Main Street.*

Associate Planner Patenaude presented the staff report and described the building on B Street. He explained that the dance studio would have no food or beverage service at this time but will be serviced by vending machines. Staff recommended approval of the application to provide a lively use that will pick up the immediate area. They recommended a 5-year use permit for further evaluation at that time. The ultimate use in the area is for retail but there is no demand at this time.

Commissioner Halliday asked about the previous business and the possibility of noise; she was told that the one entrance to the studio could be closed to keep the noise inside.

Commissioner Bogue asked about the metal railing and was told that there is no condition to remove it.

Public Hearing Open 10:41 p.m.

Dave West, 943 B Street, applicant, described his vision for the dance studio saying he hoped to create a family oriented club which will have daytime activities for seniors, classes for adults and children. He added that the former Music Unlimited Store at this location expanded their San Leandro store and consolidated to that location. He said they also tested for noise and with the insulated walls there was no problem. He also indicated that they would keep the railing and pull it back during the daytime in order to keep the glass windows in tact.

Jerry Swartz, 937 B Street, another retailing neighbor, said he fully supported the application as do the other neighbors.

Public Hearing was closed 10:45 p.m.

Commissioner Bennett said she could find nothing but good in this application and moved, seconded by Commissioner Halliday, to approve the application.

Commissioner Halliday commented that she was a dance fan and pleased to second the motion



CITY OF HAYWARD AGENDA REPORT

Planning Commission
Meeting Date 09/02/99
Agenda Item 3

TO: PLANNING COMMISSION

FROM: Sheldon McClellan, Senior Planner
Bashir Anastas, Development Review Engineer

SUBJECT: TENTATIVE MAP TRACT 7047, SITE PLAN REVIEW NO. 99-130-11 & VARIANCE APPLICATION NO. 99-180-08 - TENNYSON HOMES L.P./PAUL WONG (APPLICANT/(OWNER) - Request to subdivide a 1.13± acre parcel into 6 lots; approval of site and architectural plans; and a variance to the required lot depth.

The property is located at 259 Tennyson Road within an RS (Single-Family Residential) District.

RECOMMENDATION:

It is recommended that the Planning Commission:

1. Find that the project is exempt from CEQA;
2. Approve Tentative Tract Map 7047; and
3. Approve Site Plan Review Application 99-130-11 and Variance Application 99-130-08.

DISCUSSION:

Property Description /Surrounding Area:

The vacant property is located at 259 Tennyson Road, southerly side, between Pacific Street to the east and Beatron Way to the west. The parcel was previously occupied by a single-family dwelling in conjunction with a small cactus nursery operation. The land is surrounded by one-story single-family residences which comprise the Warren-Curtis neighborhood. The surrounding lots are mostly 5,000 square feet in area and measure 50 feet wide by 100 feet deep. All the surrounding zoning is RS (Single-Family Residential) District.

Project Description:

The applicant proposes construction of six detached single-family dwellings on two 5,000 and four 6,000 minimum square-foot-lots. The proposed lots meet all the requirements of the RS District except for the depth of Lots 3 and 4 (see Variance section below).

Streets, Utilities and Grading

The project will be served by a private street with a minimum 24-foot curb-to-curb width. On-street parking is provided in two areas where the street is widened by 8 feet on each side.

providing 6 visitor spaces. Decorative paving will accent the entry to the new private street including raised decorative entry planters at each corner. A garbage/fire truck turnaround is provided at the terminus of the private street in front of Lot 6.

Water and sewer mains within Tennyson Road are of adequate size and capacity to serve the project. Project drainage will be directed to the existing system in Beatron Wy via an existing 5-foot-wide private easement. All on-site utilities will be owned and maintained by the homeowners association.

Site Plan and Architectural Design

The applicant is proposing to construct a 6-foot-high decorative concrete block wall along the Tennyson Road frontage to provide sound attenuation from traffic on the arterial. The residences will be constructed with sound attenuation with such measures as insulative glazing system as recommended by the acoustical consultant.

The 6-foot-high soundwall will setback 10 feet from the the inside of the sidewalk along Tennyson Road. Decorative entry planters will be located on each side of the private street. A 6-foot-high soundwall will be provided along the west property line where the terminus of the private street abuts the dwellings located on Beatron Way. Likewise, a 6-foot-high masonry wall will be placed along the entire length of the easterly property line to separate the project and street noise from the adjoining residences. A 6-foot wood fence will be constructed along the balance of side and rear property lines adjacent to the existing dwellings.

The two-story units are designed in a contemporary Craftsman-like architectural style with a stucco finish and concrete tile roof. Covered entries, stucco molding, a varied roofline and window mullions add interest to each elevation. Each unit has approximately 1,732 square feet of living space, including 4 bedrooms and 2 ½ bathrooms, and a two-car garage.

The project provides sufficient parking on-site. Two parking spaces are provided in the garage of each unit and also two spaces within each driveway serving the garages. Additional guest parking for six vehicles will be provided along the private street.

A private, fenced rear yard and paved patio will be provided for each home. The planting areas throughout the project, except for private yards, will be landscaped and maintained by a homeowners' association. Additional tree planting will be required along the sound walls along both east and west property lines. Several trees located on the property will be retained.

Request for Variance

The applicant has requested a variance to the required lot depth for two lots having a minimum lot depth between 67.5 to 72.3 feet where a minimum 80-foot depth is required. The narrow width and configuration of the overall property and the proposed street layout result in the creation of two lots, 3 and 4, that have less than the required lot depth. Given the wedge shape of the property and the fact that the lots are consistent with the minimum lot size and front and rear yard requirements, the variance may be supported. The street frontage along Tennyson Road is approximately 152 feet with the lot tapering to the rear with a width of 46.29 feet.

Conformance to the General Plan, Tennyson-Alquire Neighborhood Plan and Zoning Ordinance

This project is consistent with goals, policies and requirements of the General Policies Plan, the Zoning Ordinance, and the Tennyson-Alquire Neighborhood Plan.

The site is designated as Residential - Low Density 4.3-8.7 Dwelling Units per net acre on the General Policies Plan Map. The project is consistent with these designations in that 6 detached residential homes are proposed at a density of 7.7 dwelling units per net acre. A goal of the Housing Element of the General Policies Plan *"Encourages the provision of housing units in a variety of housing types which accommodate the diverse housing needs of those who live, or wish to live in the City."* In addition, Policy 1.2 is to *"Promote development of infill housing units within existing residential neighborhoods in a variety of housing types."* The Housing Element promotes ownership housing and sets forth a 70 percent owner-occupancy goal to promote a broad range of homeownership opportunities for those living and working in the City, to stimulate and enhance neighborhood stability, to encourage the maintenance and upkeep of the housing stock, and to help to preserve the character of existing neighborhoods. The proposed two-story detached dwellings comply with this housing goal and support these purposes.

The proposed development is in conformance with the stated purpose of the RS District to *"promote and encourage a suitable environment for family life where children are members of many families."*

The project is in conformance with the *Tennyson-Alquire Neighborhood Plan*, Policy 1, in that the proposed residential density maintains the plan predominantly single-family residential character, and the development will be within the density prescribed. Policy 1(e) states that this property be zoned Single-Family Residential District and encourage use as a church site. The site at the time of the review of the neighborhood plan was owned by a church. For one reason or another, the church has decided to not go forward with construction of a religious facility on the property and the land is now being sold to the applicant. It is consistent with Policy 2 that requires new development to contribute to an attractive neighborhood pattern. The following sub-policies also apply:

- 1(b) *"Require second stories to be architecturally and sensitive to the privacy of adjoining residents in the placement of windows and balconies."* The project has no upper-floor balconies and windows on the second floor have been arranged to minimize impacts to neighboring residents.
- 1(c) *"Avoid creating streets with houses fronting on only one side in order to avoid walls along streets and excessive pavement."* Because of the wedge-shape of the parcel, there was not adequate width to provide homes on both sides of the new street except at the front along Tennyson Road. To soften the effect of a soundwall adjacent to the street on the easterly side, a planter area has been provided for trees, shrubs and vines to cover the wall.

The developer has tried to be sensitive to the neighbors' concerns regarding maintenance of views

into the hills and has provided some view corridors through the property at the terminus of the private street and greater setbacks between the proposed homes. The project is consistent with Policy 3 to improve the appearance of Tennyson Road in that 10 feet of landscaping is being provided along the Tennyson Road frontage, that is to be maintained by the project home owners' association, a continuous sidewalk is provided in the project, and the overhead utilities in front of the project along Tennyson Road will be placed underground.

Schools

Based on Hayward Unified School District, 1998 figures, the project will result in an estimated increase of 2 school-age children in grades K-6. The project is located within the Bowman Elementary, Cesar Chavez Intermediate and Tennyson High School attendance boundaries. Bowman School is a year-round school. The two projected students could be accommodated within the existing staffing level and classroom allocation according to the school district. The district expects to receive the statutory dollar per square foot limit for Development fees.

ENVIRONMENTAL REVIEW

The approval of Tentative Tract Map 7047, Site Plan Review No. 99-130-11 and Variance No 99-180-08, as conditioned, will have no significant impact on the environment, cumulative or otherwise. The project is categorically exempt under Section 15332 (In-Fill Development Projects), Class 32.

Public Notice


On August 20, 1999, a notice was mailed to all property owners within 300 feet of the subject property, abutting residents and all interested parties regarding a preliminary meeting. On June 3, 1999, a public meeting was held and two citizens attended. Both citizens stated that they did not want the project to block their view of the hills to the east, and expressed their concerns regarding traffic along Tennyson Road. They also raised issues relating to the potential for the development of smaller homes to encourage smaller families, the loss of privacy and sunlight from the second-floor level of the proposed homes and stated a preference for one story homes to match surrounding development. The citizens also indicated concern regarding noise and pollution coming from the private street. The applicant has designed the project to protect the neighboring residents as much as possible by providing 20-foot-deep or greater rear yards, through careful placement of upper floor windows and by planting evergreen trees along the property lines where needed to ensure privacy between the new and existing residences. A soundwall will also be placed along the property line where the private street abuts neighboring properties.

On August 21, 1999, a notice of the Planning Commission public hearing was published in the "Daily Review" and mailed to all property owners within 300 feet of the property, abutting residents and other interested parties. No other comments from the public have been received.

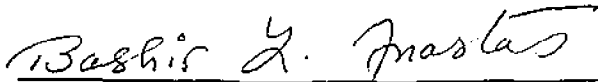
Conclusion

The project is compatible with the surrounding residential land uses and consistent with the *General Plan Map* designation and the requirements of the Single-Family Residential (RS) District. Approval of the tentative map, site plan and variances will allow construction of a project that fulfills the City's goals to create ownership housing opportunities.

Prepared by:

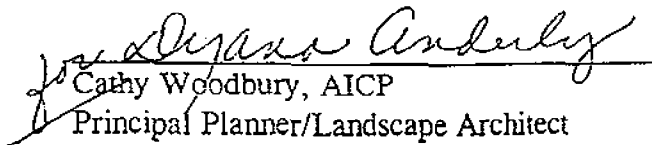


Sheldon R. McClellan,
Senior Planner



Bashir Y. Anastas, P.E.
Development Review Engineer

Recommended by:


Cathy Woodbury, AICP
Principal Planner/Landscape Architect

Attachments:

- A. Zoning/Area Map
 - B. Findings for Approval - Tentative Map 7047
 - C. Findings for Approval - Site Plan & Variance
 - D. Conditions of Approval - Tentative Map 7047
 - E. Conditions of Approval - Site Plan Review
- Tentative Tract Map 7047
Site, Building and Landscape Plans

Rebecca A. Bolado
28308 Beatron Way
Hayward, CA 94544

Bashir Anastas
DRS Engineer

RECEIVED
SEP 07 1999
PLANNING DIVISION

Dear Sir:

This letter is for Item #3 of the Public Hearing scheduled last night, Thursday, September 2, 1999, which was: Tentative Map Tract 7047, Site Plan Review No. 99-130-11 / Variance Application No. 99-180-08 - Tennyson Homes L. P./ Paul Wong (Applicant/Owner).

This proposal is a great idea for the development and beautification of the community. The area as is right now is degrading and infested with insects and small animals that are harming the homes and welfare of the neighborhood. So, I beg the Commissioners to please accept this proposal as soon as possible. The delay is causing us some damages. A lot of insects are multiplying every day that is harmful to our children's health. Rats have settled in that area and have been damaging our homes around the community. Please consider this letter in your next meeting. I believe any problem has a rightful solution and I fully believe that this proposal is the best.

Thank you very much for attending to this letter. I am looking forward for your favorable consideration this matter.

Respectfully yours,

Rebecca A. Bolado
Rebecca A. Bolado
September 3, 1999

SEP 03 1999 10:41AM CLEVELAND TOWER

September 3, 1999

SEP03 AM11:50 CLK

City Clerk
Office of the City Clerk
City of Hayward
777 B Street
Hayward, CA 94541-5007

Re: Appeal of Planning Commission's Approval of Tentative Map Tract 7047
Site Plan Review No. 99-130-11 & Variance Application No. 99-180-08

Dear City Clerk:

Last night, 09/02/99 the planning commission approved the above-referenced matter. I was in attendance and chose to speak out about my concerns and asked that the commission to not approve the proposed development. I am making this appeal based on the following:

- 1) The proposed irregular street for the project creates a dangerous condition in that it abuts partially my backyard and a neighbor's yard on the westerly line of Beatron Way. The irregularity of the street also creates an unsightly blight, and is not in conformance with Tennyson-Alquire Neighborhood Plan as specified on page 3 of the Conformance to the General Plan...and should not be allowed as it is designed.
- 2) That the street barrier along Tennyson Road in front of 259 Tennyson Road is not continuous as was stated by the Senior Planner, and thus creates potential traffic problems for pedestrians and traffic in the area heading east on Tennyson. I request that the traffic engineering department try to mitigate or correct this problem, or the proposed entrance and exit to this proposed site creates a dangerous condition and should not be allowed.
- 3) Policy 1.2 (as stated on page 3 of the Conformance to the General Plan) is violated in that the proposed six two-story homes that will sell, according to Mr. Poon, for almost \$400,000.00 are not like the existing properties built in the 1950's on Pacific, Beatron Way. Moreover, in these neighborhoods, our homes are affordable, one story structures. In addition, the proposed homes are association homes. In our neighborhood our homes are fully owned and available to people of all incomes. I feel that these properties will

serve to discriminate against people of lower income. This proposed development violates the Tennyson-Alquire Neighborhood Plan, Policy 1, 2, and sub-policy 1(b).

I also feel that loss of privacy is an issue for homes on the westerly and easterly lines due to these proposed six two-stor homes being sandwiched into a narrow lot over looking my backyard. Not only does it create a loss of privacy, but also will block my view (which I have had since my family purchased this home in 1976 (and home which I now own). Also the project proposes tall trees be planted on the northerly, easterly, and westerly lines which will further obstruct my view towards the Hayward Hills, thus no corridors are provided as stated on page 4 of the Conformance to the General Plan... The tall trees will also create problems of leaves and debris dropping into neighbor's yards, as well as create problems of tree roots for the foundations of our homes. The types of trees were not specified in the Conditions of Approval, Exhibit E.

- 4) That on page 3 of the Conformance to the General Plan, sub-policy 1(c) which states "Avoid creating streets with houses fronting on only one side in order to avoid walls along streets and excessive pavement." The proposed project is not in conformance with the Tennyson-Alquire Neighborhood Plan. Not only is an irregular dead-end street planned, but the street runs along the easterly line of Pacific and homes are built on only one side of the street. Moreover A proposed wall will be built along the entire easterly line, continue on the northerly 46.29 feet span of this narrow lot, and partially over the terminus of the street facing my yard and a neighbor's yard, therefore excessive walls will be constructed one, creating excessive pavement and walls.
- 5) Also, the proposed homes will be built with fireplaces. This will create additional pollution. Existing homes in our neighborhood have fireplaces, but additional fireplaces placed close to our properties by sandwiching in these proposed homes in between existing properties on the westerly and easterly line will create additional pollution. I ask that the new homes, if built at all, be built without fireplaces.

In closing, the lot known as 259 Tennyson Road was formally a cactus nursery and a single story residence for the previous owner. The proposed development plan is intrusive in that it is not there were no planned association homes on this land before, and will now create problems as described above. Our City is already congested, and traffic and pedestrian traffic have increased of course since the time the cactus nursery was present when my family bought my current home in 1976. Obviously the developers can

City Clerk

Re: Appeal of Planning Commission's Approval of Tentative Map Tract 7047

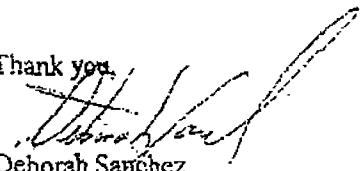
September 3, 1999

Page 3

obtain more money by building two-story homes on this narrow lot, but the proposed homes are nothing like the one-story homes that were built in the 1950s on Beatron and Pacific. The proposed cul-de-sac will further exacerbate and create dangerous conditions for existing property owners, as well as pedestrians on traffic conditions on Tennyson Road. It will also create additional noise and pollution from traffic. My family came to Hayward from Newark, California in 1970 and purchased the home in 1976 (which is now mine). I was born and raised in the East Bay and am a second generation Californian. I am a voter in California and always take an interest in civic activities.

Please do not allow this proposed project to go through, it has too many problems that have not yet been resolved.

Thank you,


Deborah Sanchez

Owner of 28260 Beatron Way,
Hayward, CA.

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

**RESOLUTION APPROVING THE TENTATIVE MAP FOR
TRACT 7047, ALONG WITH SITE PLAN REVIEW
APPLICATION NO. 99-130-11 AND VARIANCE
APPLICATION NO. 99-180-08 FOR TENNYSON HOMES,
L.P., PAUL WONG (APPLICANT/OWNER)**

WHEREAS, there has been presented to the City Council of the City of Hayward a tentative map for Tract 7047 to subdivide 1.13+ acres into 6 single-family lots on property located at 259 Tennyson Road in an RS (Single Family residential) District; which includes a request for a variance to the required lot depth for two lots having a minimum lot depth between 67.5 to 72.3 feet where a minimum 80 foot depth is required, and in connection therewith, a request for approval of site and architectural plans; and

WHEREAS, the Planning Commission considered the matter and its action thereon is on file in the office of the City Clerk and is hereby referred to for further particulars; and

WHEREAS, the City Council hereby finds and determines that:

1. The approval of Tentative Map Tract 7047, as conditioned, will not have a significant impact on the environment, cumulative or otherwise, and the project is exempt from CEQA review and is found to be in compliance with the provisions of the California Environmental Quality Act (CEQA). The project is categorically exempt under Section 15332 (In-Fill Development Projects), Class 32.
2. The proposed subdivision is consistent with the City's Subdivision Regulations, the General Policies Plan, and the Tennyson-Alquire Neighborhood Plan, and is therefore compatible with the objectives, policies, and the general land use and programs specified in the General Plan.
3. The land being subdivided is for residential use and the discharge of waste from such a use does not violate the requirements prescribed by the Regional Water Quality Control Board.
4. The layout, lot size, and configuration are such that future dwelling(s) could be oriented for the purpose of providing an opportunity for future passive solar heating and cooling.

5. None of the findings set forth in section 66474 of the Subdivision Map Act have been made, and the approval of the tentative map is granted subject to the recommended conditions of approval.
6. Development of the lot in conformance to the conditions of approval will prevent any significant environmental or other impacts, i.e., drainage, soils instability, noise, or traffic problems.
7. The existing and proposed streets and utilities are adequate to serve the development.
8. The site is physically suitable for the proposed type of development.
9. The proposed development is compatible with existing structures and uses in that it will create single-family homes in an area already developed with single-family homes, and will constitute an attractive addition to the City.
10. The proposed development takes into consideration the physical and environmental constraints presented at the site by considering appropriate drainage plans and by presenting a housing layout sensitive to existing houses.
11. The development will be operated in a manner acceptable and compatible with surrounding development by providing a masonry wall to lessen the noise from vehicles using the private street to surrounding homes, and by siting the new homes such that the privacy of existing homes will be minimally impacted; and

WHEREAS, the City Council hereby further finds and determines with respect to the variance application that:

12. The variance request to allow the lot depth for two lots having a minimum lot depth between 67.5 to 72.3 feet where a minimum 80-foot depth is required is justified due to the irregular shape of the property; the applicant has satisfied the intent of the ordinance by complying with the overall lot size requirements, and providing at least standard sized front and rear yards.
13. Strict application of the Zoning Ordinance would deprive the property of privileges enjoyed by other properties in the area because it would preclude development of single-family homes on lots which exceed minimum standards.

14. The variance will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity because the lots are consistent with the minimum lot size and front and rear yard requirements.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby approves the vesting tentative map for Tract 7047, along with Site Plan Review Application No. 99-130-11 and Variance Application NO. 99-180-08, subject to the conditions in the attached Exhibit "A."

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1999

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward